

**SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

In the Matter of the Appointment)	ADMINISTRATIVE ORDER
of Judges Pro Tempore in the)	NUMBER 96-054
Domestic Relations Department, and)	
Regarding Compensation for Services)	

IT APPEARING, that a practice has recently developed pursuant to which parties stipulate to the appointment by the court of a lawyer approved as a judge pro tempore to act as a Superior Court judge in a particular case from beginning to end, and it appearing that these stipulations often provide that the parties will equally share the fees for the services of the judge pro tempore the court makes the following observations:

1. The court agrees with a procedure pursuant to which through stipulation or order of the court a judge pro tempore is appointed to preside over a case. However, the court cannot approve the practice of compensating the judicial officer for this service on these grounds:

A. Ethical issues: A lawyer when appointed as a judge pro tem is no longer a private citizen hiring out his/her services in the market place. The judge pro tem has all the power and responsibilities of a judicial officer. This includes being bound by the Code of Judicial Conduct. No judge can accept compensation for performing official services.

B. Public Policy Issues: Additionally, if we were to allow this practice we would be denying all citizens equal access to the courts in violation of the 14th amendment to the United States Constitution. We would be permitting the creation of two tracts of justice, one for the rich and one for the poor. Obviously such a practice cannot be permitted.

2. The court will continue to explore ways to utilize the service of judges pro tempore and others outside the courthouse as adjudicators, for example, by researching the propriety of an arbitration system, through appropriate legislation or rule changes, which will allow for reasonable compensation to providers of these services.

Accordingly,

IT IS ORDERED prohibiting the appointment of lawyers to preside over a case as a judge pro tempore for compensation from the parties for these services;

IT IS FURTHER ORDERED directing the bench, bar and other interested individuals to work toward the development of adjudicative processes whereby the person appointed can receive reasonable compensation for services performed and assist the court and litigants in resolving cases before the Domestic Relations Department of the Superior Court.

DATED this day of , 1996

Barry C. Schneider
Presiding Judge, etc

c: Hon. Robert D. Myers, Presiding Judge
All Department Presiding Judges
All Domestic Relations Department Judges and Commissioners